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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,410	03/30/2004	Bong-gil Bak	1793.1198	1273
49455 7590 11/15/2007 STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005				
			EXAMINER NGUYEN, HUY THANH	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/812,410

Applicant(s)

BAK, BONG-GIL

Examiner

HUY T. NGUYEN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/04/04, 6/29/04</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2,4-11,13-20,22-29 and 31-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Lynch et al (5,438,423).

Regarding claims 1 and 10, Lynch discloses a digital recording/reproducing apparatus (the figure) comprising: a first data storage medium (16) with a timeshift function; and a controller (the figure), recording received compressed data on both the first data storage medium and a second data storage medium (24) without the timeshift function if a recording command that requires data to be recorded on the second data storage medium is received, and reading data recorded on the first data storage medium for data reproduction if a reproduction command for data being recorded is received (columns 1-2).

Further or claims 10, Lynch teaches predetermined amount of recorded on the first medium since the user control the recording data on the first medium and second

medium . The user can control the control means for recording the data on the second medium when a predetermined amount data recorded on the first medium .

Method claims 19 and 28 correspond to apparatus claims 1 and 10. Therefore method claims 19 and 28 are rejected by the same reason as applied to apparatus claims 1 and 10.

Regarding claims 2 ,11,20 and 28. The digital recording/reproducing apparatus of claim 1, further comprising a data encoder (14) for compressing the data and outputting the compressed data to the controller, wherein a recording bit rate of the second data storage medium is required to be smaller than a predetermined value or within a predetermined range, the data encoder controls a generation amount of data according to a control of the controller so that the requirement is satisfied.

Regarding claim 4,13,22 and 31, Lynch further teaches the digital recording/reproducing apparatus of claim 1, wherein the first data storage medium is a hard disk.

Regarding claims 9 ,18,27and 36 The digital recording/reproducing apparatus of claim 1, wherein the data is video data.

3. Claims 1,3-10,12-19,21-28,30-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubota (6311011).

Regarding claims 1 and 10, Kubota discloses a digital recording/reproducing apparatus (Figs 2,3 and 5) comprising: a first data storage medium (HDD) with a timeshift function; and a controller (Fig. 2), recording received compressed data on both

the first data storage medium and a second data storage medium (DVD or VTR) without the timeshift function if a recording command that requires data to be recorded on the second data storage medium is received (columns 4-5), and reading data recorded on the first data storage medium for data reproduction if a reproduction command for data being recorded is received (column 12).

Further or claims 10, Kubota teaches predetermined amount of recorded data on the first medium since the user control the recording data on the first medium and second medium . The user can control the control means for recording the data on the second medium when a predetermined amount data recorded on the first medium .

Method claims 19 and 28 correspond to apparatus claims 1 and 10. Therefore method claims 19 and 28 are rejected by the same reason as applied to apparatus claims 1 and 10.

Regarding claims 3,12,21 and 30, Kubota teaches , wherein if the compressed data is completely recorded on the second data storage medium, the controller deletes the same compressed data recorded on the first data storage medium (column 6,lines 45-53).

Regarding claim 4,13,22 and 31, Kubota further teaches the digital recording/reproducing apparatus of claim 1, wherein the first data storage medium is a hard disk (HDD) (column 4).

Regarding claims 5-8 ,14-17,23-26 and 32-35 , Lynch fails to teach that the second medium is a removable medium and can be an optical medium (DVD)(Figs, 2-

5) .

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 5-8 ,14-17,23-26 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch in view of Yuen (20020186957).

Regarding claim 5 -8 ,14-17,23-26 and 32-35, Lynch fails to teach that the second medium can be a optical disc . However, using an optical disc means for recording information on a medium is well known in the art as taught by Yuen (sections 0008-0009. Therefore it would have been obvious to one of ordinary skill in the art to

modify Lynch by using an optical disc means for recording the second data as an alternative to the second medium of Lynch.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tanaka and Srinivasan teach apparatus for recording video data on a first medium and a second medium .

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


HUY T. NGUYEN
PRIMARY EXAMINER